

030204

16805 U.S. PTO

Divisional of Application Serial No. 09/958,465

Filing Date: March 2, 2004

Attorney Docket No. 08676.0012.01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Patent Application

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Prior Application Art Unit: 3641

Prior Application Examiner: Johnson, Stephen

22581 U.S. PTO
10/790068
030204

SIR: This is a request for filing a

☐ Continuation ☐ Continuation-in-Part ☒ Divisional Application under 37 C.F.R. § 1.53(b) of pending prior application Serial No. 09/958,465, filed February 26, 2002, of James Michael O'DWYER, for PROJECTILE FIRING APPARATUS.

1. ☒ Enclosed is a complete copy of the as-filed International Application and a copy of the as-filed International Search Report and International Preliminary Examination Report, including the oath or declaration and drawings, as originally filed. I hereby verify that the attached papers are a true copy of prior Application Serial No. 09/958,465, as originally filed on October 5, 2001, and February 8, 2002, which are incorporated herein by reference.
2. ☐ Enclosed is a substitute specification under 37 C.F.R. § 1.125.
3. ☐ Enclosed is a Request for Non-Publication of Application and Certification Under 35 U.S.C. § 1.22(b)(2)(B)(i).
4. ☒ A Preliminary Amendment is enclosed.
5. ☒ The filing fee is calculated on the basis of the claims existing in the prior application as amended at 4 above.

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|---|------------------|---|-------|--------------|--------|-----------|
| Basic Application Filing Fee | | | | | \$770 | \$ 770.00 |
| | Number of Claims | | Basic | Extra Claims | | |
| Total Claims | 13 | - | 20 | 0 | x \$18 | \$0.00 |
| Independent Claims | 4 | - | 3 | 1 | x \$86 | \$86.00 |
| <input type="checkbox"/> Presentation of Multiple Dep. Claim(s) | | | | | +\$290 | \$0.00 |
| Subtotal | | | | | | \$ 856.00 |
| Reduction by 1/2 if small entity | | | | | | - \$0.00 |
| TOTAL APPLICATION FILING FEE | | | | | | \$ 856.00 |

6. ☒ A check in the amount of \$856.00 to cover the filing fee is enclosed.
7. ☒ The Commissioner is hereby authorized to charge any fees which may be required, including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or to credit any overpayment during the pendency of this application, to Deposit Account No. 06-0916.
8. ☐ Amend the specification by inserting before the first line, the following new paragraph:

This is a ☐ continuation ☐ division of application Serial No.[Text], filed [Date] **[LIST ALL PREVIOUS APPLICATIONS IN CHAIN INCLUDING ANY PRIOR PCT APPLICATIONS, and their status], [and claims the benefit of U.S. provisional application no. 60/[Text], filed [Date],] [all of which are] [which is] incorporated herein by reference.**
9. ☒ New formal drawings are enclosed.
10. ☒ The prior application is assigned of record to: METAL STORM LIMITED
11. ☒ Priority of patent Australian Application Nos. PQ 3843, filed November 3, 1999, and PP 9613, filed April 7, 1999, are claimed under 35 U.S.C. § 119. Certified copies

☐ is enclosed or ☒ are on file in the prior Application Serial No. 09/958,465.
12. ☐ A verified statement claiming small entity status

☐ is enclosed or ☐ is on file in the prior application.
13. ☒ The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilley, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewris, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No.

30,120; Barry W. Graham, Reg. No. 29,924; Susan Haberman Griffen, Reg. No. 30,907; Richard B. Racine, Reg. No. 30,415; Thomas H. Jenkins, Reg. No. 30,857; Robert E. Converse, Jr., Reg. No. 27,432; Clair X. Mullen, Jr., Reg. No. 20,348; Christopher P. Foley, Reg. No. 31,354; John C. Paul, Reg. No. 30,413; Roger D. Taylor, Reg. No. 28,992; David M. Kelly, Reg. No. 30,953; Kenneth J. Meyers, Reg. No. 25,146; Carol P. Einaudi, Reg. No. 32,220; Walter Y. Boyd, Jr., Reg. No. 31,738; Steven M. Anzalone, Reg. No. 32,095; Jean B. Fordis, Reg. No. 32,984; Barbara C. McCurdy, Reg. No. 32,120; James K. Hammond, Reg. No. 31,964; Richard V. Burgujian, Reg. No. 31,744; J. Michael Jakes, Reg. No. 32,824; Thomas W. Banks, Reg. No. 32,719; Christopher P. Isaac, Reg. No. 32,616; Bryan C. Diner, Reg. No. 32,409; M. Paul Barker, Reg. No. 32,013; Andrew Chanhon Sonu, Reg. No. 33,457; David S. Forman, Reg. No. 33,694; Vincent P. Kovalick, Reg. No. 32,867; James W. Edmondson, Reg. No. 33,871; Michael R. McGurk, Reg. No. 32,045; Joann M. Neth, Reg. No. 36,363; Gerson S. Panitch, Reg. No. 33,751; Cheri M. Taylor, Reg. No. 33,216; Charles E. Van Horn, Reg. No. 40,266; Linda A. Wadler, Reg. No. 33,218; Jeffrey A. Berkowitz, Reg. No. 36,743; Michael R. Kelly, Reg. No. 33,921; James B. Monroe, Reg. No. 33,971; Doris Johnson Hines, Reg. No. 34,629; Lori Ann Johnson, Reg. No. 34,498; R. Bruce Bower, Reg. No. 37,099; John Rissman, Reg. No. 33,764; Therese A. Hendricks, Reg. No. 30,389; Leslie I. Bookoff, Reg. No. 38,084; Michele C. Bosch, Reg. No. 40,524; Michael J. Flibbert, Reg. No. 33,234; Scott A. Herbst, Reg. No. 35,189; Leslie A. McDonell, Reg. No. 34,872; Thalia V. Warnement, Reg. No. 39,064; Ronald A. Bleeker, Reg. No. 27,773; Kathleen A. Daley, Reg. No. 36,116; C. Gregory Gramenopoulos, Reg. No. 36,532; Anthony M. Gutowski, Reg. No. 38,742; Yitai Hu, Reg. No. 40,653; Lionel M. Lavenue, Reg. No. 46,859; Christine E. Lehman, Reg. No. 38,535; and Patrick J. Coyne, Reg. No. 31,821.

14. ☐ The power appears in the original declaration of the prior application.
15. ☒ Since the power does not appear in the original declaration, a copy of the power in the prior application, which was filed on June 5, 2002, is also enclosed.
16. ☒ Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, **Customer Number 22,852**.
17. ☐ Recognize as associate attorney:
18. ☐ Also enclosed is _____

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in the parent application, Application Serial No. 09/958,465, filed February 26, 2002, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 2, 2004

By: 

Michael L. Woods
Reg. No. 50,811